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## **FREDERICK COUNTY PLANNING COMMISSION**

### **September 8, 2010**

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**TITLE:** **Libertytown Volunteer Fire Department**

**FILE NUMBER:** **SP 04-03** (AP#'s 9469, 9470 & 10829)

**REQUEST:** **Site Plan Approval** (Requesting approval for two building expansion areas; new parking lot; landscaping, entrance spacing and parking modifications; APFO; and FRO approval)

#### **PROJECT INFORMATION:**

**LOCATION:** Southeast quadrant of South Street and Jones Road  
**ZONE:** R-3 Residential  
**REGION:** Walkersville  
**WATER/SEWER:** S-1 (connected), W-5 (7-10 years anticipated)  
**COMP. PLAN/LAND USE:** Low Density Residential with Fire Station Symbol

#### **APPLICANT/REPRESENTATIVES:** (as applicable)

**APPLICANT:** Libertytown Volunteer Fire Department, Inc.  
**OWNER:** same  
**ENGINEER:** Triad Engineering, Inc.  
**ARCHITECT:** N. A.  
**ATTORNEY:** Not Listed

**STAFF:** Stephen O'Philips, Principal Planner

**RECOMMENDATION:** **Conditional Approval**

#### *Enclosures:*

*Exhibit #1: Aerial Photos (#1 & #2 views from north)*  
*Exhibit #2: Site Plan (Sheets 1-10 of 10)*

## STAFF REPORT

### BACKGROUND:

**Development and Parcel History:** The Libertytown Volunteer Fire Department owns two contiguous parcels (lots of record). The parcel on which the existing Fire Station building is located is 5.12 acres and is located in the southeastern quadrant of South Street and Jones Road in the Libertytown community.<sup>1</sup> The Fire Station was originally constructed in 1966, with a kitchen addition in 1978.

The Fire Station is a two-story building in which the floor-print is built on two levels in order to accommodate a 16' grade differential on the site. It is upon the 5.12-acre parcel that two building additions and a new parking lot are proposed. A contiguous 12-acre parcel to the rear of the 5.12-acre parcel is being used to claim credits for existing forest in order to meet the forest preservation requirements of the FRO.

In May 2004 the Applicant submitted a Site Plan application to build a new fire Station building to the west of the site, directly in front of the westernmost entrance on the site. Because of the proposed location, the westernmost entrance was of specific concern to the Staff. The Frederick County Planning Commission (FcPc) approved that 2004 application with these conditions:

- 1) FcPc grant spacing modification subject to the Applicant agreeing to implement these improvements:
  - a) the placement of an electronic signal (warning beacon) at the Jones/South Street intersection;
  - b) re-design the 60'-wide opening to an exit-only drive at a 45 \* angle to the intersection, designed about 30' +/- in width. Signage shall be located indicating "exit only".
- 2) Comply with Engineering Section and DUSWM comments prior to Site Plan signature.
- 3) Demonstrate that signage does not exceed 134 sq. ft.

That 2004 Site Plan was eventually signed. However, the Applicant never pursued building permits and the 2004 Site Plan expired.

**This Site Plan Application:** The Applicant now requests Site Plan approval of a different proposal to build two additions to the existing Fire Hall (centrally located on the site<sup>2</sup>) in order to facilitate better storage and maneuverability of fire rescue vehicles and equipment. The building additions are not intended to facilitate any additional community meeting or entertainment functions. Additionally, a new parking and service court is being proposed. Except for the landscape additions, there are no proposed changes on the western half of the site.

The Applicant is also requesting modifications to landscaping, entrance spacing and parking lot dimensions. In the case of this Site Plan application, the Applicant is not intensifying the use of the site, and is, therefore, not subject to any APFO mitigations.

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<sup>1</sup> This 5.12-acre parcel is, in fact, described as three separate "sub" parcels in the deed. This situation will affect the sewer service and is further discussed under the subsection "Utilities".

<sup>2</sup> The new Site Plan proposal to retain the centrally located Fire Hall and expand upon it, has rendered the westernmost entrance as an auxiliary entrance that will not be used for emergency call egress. Therefore, the 2004 concerns with this entrance are largely moot.

**Site Use, Circulation, Parking, & Utilities:**

**Land Use and Zoning Review:** The two parcels owned by the Libertytown Volunteer Fire Department are zoned R-3 Residential. The use for this lot is not changing from the current *Community Fire and Rescue Service (Institutional Use)*, which is allowed in the R-3 Residential zone with Site Plan approval.

The Applicant proposes to expand the existing two-story Fire Station with two additions—one second-story addition to the west side of the Fire Station (approx. 950 sq. ft.); and the other, a ground-floor addition on the east side of the Fire Station (approx. 10,500 sq. ft.). In the case of this specific Site Plan application, the building square footages will have no impact on site development design or on the APFO calculations. (Therefore, the footprint areas will be documented on this Site Plan application, but not the building square footages.)

As previously stated, the building additions are intended solely for the purposes of improving emergency equipment storage and vehicle maneuverability, and are not intended to increase capacity or intensity of community entertainment functions. (The APFO analysis was based on this claim by the Applicant.) A sentence needs to be added to General Note #12 indicating that that the building additions are solely for the purposes of improving emergency equipment storage and vehicle maneuverability, and will not be used for expanded community entertainment or social functions.

**Dimensional Requirements/ Bulk Standards:** The Fire Station building met the setback requirements when it was constructed in 1966, with a kitchen addition in 1978. The existing building and the proposed additions will also meet current setback requirements for Institutional Uses in the R-3 residential zone, which are: 40' for the front yard; and 50' for side and rear yards.

There is a building height limitation of 30', which is listed on Sheet 1 of the Site Plan set. The Applicant is aware that the building additions must not exceed 30' in height when the building permit applications are submitted.

**Access/Circulation and Road Frontage Improvements:** The existing site development gains access from four entrance locations on South Street, which runs parallel to MD 26 (Main Street in Libertytown). The Applicant proposes no changes in the entrance locations.

Three of the four entrances (the three westernmost entrances) appear to have been established prior to about 1975, (which is also prior to establishment of entrance permit requirements by the County). These three westernmost entrances have adequate sight distance. The westernmost entrance--while not a standard design because of its proximity to the South Street/Jones Road intersection--has been reviewed by Traffic Engineering and found to be acceptable for emergency ingress and egress purposes.

However, the easternmost entrance was established without an entrance permit, and is proposed to be gated and used for special events only. This existing gravel entrance is located 65' to the east of the main emergency vehicle entrance, and does not meet entrance spacing guidelines. The proposed entrance spacing requires Frederick County Planning Commission (FcPc) approval. The Planning and Traffic Engineering Sections have reviewed the location, the sight distance, the proposed conditions relating to this entrance--that is, to be gated except for special events. The Staff offers no objection to the entrance spacing, given the limited and special use designation for this entrance.

**Parking Space and Design Requirements:** There are no specific parking space requirements listed for *Community Fire and Rescue Service* in the Zoning Ordinance. The Applicant's site contains 68 existing spaces for special events and normal volunteer parking. The Applicant is proposing a total of 75 spaces:

- a) five defined, lower level parking spaces for employees;
- b) 11 defined, upper-level spaces for community event needs and employee parking (three of which are compliant with Maryland State Accessibility requirements); and
- c) 59 undefined parking spaces on existing gravel to accommodate special events.

Staff finds the parking proposal and analysis by Applicant to be reasonable and offers no objections to this parking needs analysis. Lastly, the parking space dimensions meet the Zoning Ordinance requirements. The Applicant requests a waiver from the requirement to connect the parking lot to the adjoining properties, as a stream is located to the east, and the parcel to the south is undeveloped R-3 zoning. Therefore, a parking lot connection would not be practical.

**Bicycle Parking:** The Applicant is required to provide three bicycle racks based on the number of vehicular parking spaces. Although the Site Plan does not show it, the Applicant has agreed to place three bicycle racks at the south end of the defined parking area on the west side of the building. The Staff believes this is an appropriate location that is most likely to serve community needs and be within 50' of the main entrance. A detail of the bicycle racks also needs to be provided.

**Loading Area:** There are no loading space requirements listed for *Community Fire and Rescue Service (Institutional Use)* in the Zoning Ordinance.

**Utilities:** Water is classified as W-5, meaning community service is expected in a 7-10 year period. Water is currently provided by on-site private well.

The site is currently connected to sewer service, however, there is a legal access problem with the sewer lines. The 5.12-acre parcel (which is the subject of this Site Plan) comprises three separate "sub" parcels described in the deed. The sewer lines run through all three of the separate sub-parcels and currently lack easement access rights. One way to solve this problem is to provide sewer easements for all three sub-parcels, or to combine all three sub-parcels into one parcel.

The Applicant has submitted an Addition Plat to resolve this problem. The Plat has been reviewed and approved by all County Agencies. This Addition Plat is ready to be recorded but the Applicant has not paid for recordation fees. The Applicant must record this Addition Plat prior to the signature of this Site Plan in order to resolve the sewer line access issue.

### **Environmental Analysis:**

**Open/Green Space and Floodplain Issues:** There are no open or green space requirements in the R-3 Residential zone. There is, however, a stream located on the eastern end of the parcel requiring 50' buffer setbacks on this parcel. The Applicant has honored the 50' stream setback by placing the building addition outside of the 50' setback.

This stream corridor has several utility easements located within it, preventing forest plantings from being reasonably placed on it. The Applicant has, however, agreed to restrict fertilization over the entire green space area east of the gravel access road (completely encompassing the stream 50' buffer). This restriction is noted on the Site Plan. Additionally, eight Red Maples and Pin Oaks (Frederick County native trees) are proposed to be planted in the stream buffer area to facilitate riparian buffer enhancement. Lastly, the Applicant has designated this area as a natural regeneration area.

**Landscaping:** Since this Site Plan application proposes to amend an existing, developed site, the Staff has applied the landscaping requirements to the proposed changes of the Site Plan application. The Applicant proposes landscape improvements with this Site Plan application in order to meet landscape requirements of the Zoning Ordinance that became effective January 29, 2010 by addressing the following subcategories:

- a) Provide for street tree planting requirements with a mitigation proposal;
  - b) Provide 20% canopy analysis of parking lot area with a mitigation proposal;
  - c) Provide for no more than a 10-parking-bay-average with a mitigation proposal;
  - d) Demonstrate usage of native species; and
  - e) Provide buffering and screening along common property lines.
- a) Provide for street tree planting requirements: The Applicant is subject to providing street trees for the "affected area" of this Site Plan application. Staff estimates that the Applicant will owe seven street trees based on the frontage area of the affected area. Because safety needs for emergency vehicle egress are paramount on this site, the Applicant has provided six under-story trees to preserve sight distance at the fire truck egress entrance, and has elected to plant typical, over-story street trees elsewhere on South Street to meet the street tree requirement.
- b) Provide 20% canopy analysis of parking lot area: The Applicant has not been able to provide 20% canopy coverage for the two defined parking areas because the site is already developed with pavement and the tight configuration of the existing building footprint on the parcel limits flexibility. The Applicant has, however, mitigated this lack by proposing to plant native over-story street trees on Jones Road.
- c) Provide for no more than a 10-parking-bay-average by creating additional parking islands: The Applicant has created an average bay run of 8.5, less than the 10 maximum allowed. Also, the Applicant has not exceeded the maximum run allowed of 15.
- d) Demonstrate usage of native species: The Applicant has provided 100% native tree and shrub species.
- e) Provide buffering and screening along common property lines: The Applicant has provided a street tree planting scheme along Jones Road and South Street that meets the goal of street tree plantings in community growth areas, which are expected to be linear and formal in nature in order to fulfill the function of the recently adopted landscape requirements.

In sum, the landscape planting scheme proposed by the Applicant meets the spirit and intent of the landscape requirements of the Zoning Ordinance and provides a fair and adequate response to the affected area of the proposed site development.<sup>3</sup>

**Storm-water Management (SWM) Design:** This project is subject to the requirements of the Maryland Stormwater Management Act of 2007 (SWM 2007), which became effective May 4, 2010. The Applicant has complied with these requirements by providing a SWM Concept Plan in accordance with the SWM 2007 requirements. The Applicant has provided Environmental Site Design (ESD) features such as rainwater (roof) harvest, landscape infiltration and two micro-bio-retention areas. However, the SWM Development SWM Plan) must be signed prior to Site Plan signature.

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<sup>3</sup> *Libertytown is developed on a linear street grid, which is the primary historic development pattern for small towns in America. The planting of traditional (or formal) street tree planting is consistent with this existing development pattern. The Frederick County Comprehensive Plan (specifically Policies MG-P-05, MG-P-08, MG-P-20, and MG-P-25) discusses the location and design of new development to support and foster:*

- 1) *the formation of communities that respect the traditional growth pattern;*
- 2) *new development that does not diminish the character and functional traits of historic neighborhoods;*
- 3) *the organization of public spaces (including streets) to facilitate social activities; and*
- 4) *design and development with the human scale as the reference point.*

**Forest Resource Ordinance (FRO):** The Applicant was not able to place a reasonable forest easement on the stream buffer area because of existing utility easements, but has adequately compensated with native tree plantings and a 'no fertilization' designation for that buffer area. The Applicant is meeting the forest retention requirements by preserving 4.4 acres of existing forest on the 12-acre parcel to the south of this subject parcel.

**Miscellaneous Design Issues:**

**Lighting:** The Applicant has submitted a Lighting Plan showing the addition of building mounted lighting. The proposed lighting meets the height restrictions by being placed at only 8' and also meets the lateral and upward glare shielding requirements with the selection of lighting standards with appropriate shields. The lighting proposal also meets foot-candle illumination levels. Overall, the lighting levels are very low.

**Signage:** The Applicant proposes no additional signage with this application.

**Trash Dumpster and Recycling:** The Applicant proposes to retain the existing dumpster location by South Street. The dumpster is proposed to be screened with evergreen shrubs. The Applicant needs to note on the Site Plan the extent to which this site can comply with the County's single stream recycling program.

**Building Elevations and Height:** The Zoning Ordinance limits building heights in the GC zone to 30'. The Applicant is aware that the building additions will be limited to 30' at the time of permit application. Also, there is no architectural review authority in the Frederick County Code for this zone. However, the Historic Preservation Planner did meet with the Applicant and Architect for this project to discuss how the proposed architecture might be made more compatible with the surrounding historic infrastructure of Libertytown.

**Adequate Public Facilities Ordinance (APFO):**

**In General:** This project was reviewed for potential impacts on schools, water/sewer and roads. This project was determined to generate no impacts on schools, utilities or traffic.

- ☐ **Schools:** The non-residential nature of this project has no impact on schools.
- ☐ **Water and Sewer:** The Property is currently classified S-1, W-5, meaning facilities are connected to public sewer and public water is anticipated in a 7-10 year period. The Division of Utilities and Solid Waste Management (DUSWM) has approved the APFO test, indicating that the public water and sewer facilities appear adequate at the time for this development.
- ☐ **Traffic:** The Traffic Engineer has indicated that expansion is only for areas accommodating emergency services and therefore not subject to APFO.

**OTHER AGENCY COMMENTS:**

<b>Agency or Ordinance Requirement</b>	<b>Comment</b>
<b>Engineering Section, DPDR:</b>	Conditional Approval: The SWM development plan must be approved prior to Site Plan signature.
<b>Transportation Eng., DPDR</b>	Approved.
<b>Planning Section, DPDR:</b>	<p>Conditional Approval, subject to items previously discussed in this Report:</p> <ol style="list-style-type: none"> <li>1) Amend General Note #12 indicating that that the building additions are solely for the purposes of improving emergency equipment storage and vehicle maneuverability;</li> <li>2) Place three bicycle racks at the south end of the western parking area and provide detail;</li> <li>3) Record the Addition Plat prior to signature of Site Plan; and</li> <li>4) Add note regarding the extent to which the Applicant can comply with single-stream recycling.</li> </ol>
<b>Life Safety, DPDR</b>	Approved. Emergency Response Information: 1 <sup>st</sup> Responder: Libertytown 2 <sup>nd</sup> Responder: Woodsboro
<b>Health Department</b>	Conditional Approval: Adequate water and sewer taps must be available.
<b>DUSWM:</b>	Approved
<b>Historic Preservation Planner</b>	<p>Approved.</p> <p>The existing structures on the property are not historic. However, the site directly adjoins the survey district of Libertytown, F-4-63 in the Md. Inventory of Historic Properties. Height and exterior materials should not visually overwhelm the existing structures on the north side of South Street or be inconsistent with the general architectural materials found in the survey district.</p> <p>Elevation drawing shows majority of exterior cladding on new addition and most of existing building as vertical metal panel siding. As stated in the initial comment on this Plan, the exterior materials should not be inconsistent with the general architectural materials found in the Libertytown Survey District. Vertical siding of any type in the survey district is found mostly on outbuildings. Principal structures and main facades with siding are predominantly horizontal. With the extensive elevations of the entire structure, the vertical siding becomes even more prominent as an architectural feature. Please consider a horizontal siding that would be more compatible with the existing cladding in the village. The use of brick on the tower is an appropriate nod to historic brick structures in the town. The modern version of standing seam metal roofing is also appropriate.</p>

**FINDINGS:**

The Applicant is requesting approval of Site Plan (AP # 9469) for two building additions and a new parking lot. The Applicant is also requesting FRO and APFO approval, in addition to the following modifications/waiver requests:

- a) three landscape modifications;
- b) one parking lot connection waiver; and
- c) one entrance spacing waiver.

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) There are no inadequacies in any of the facilities tested by the APFO. Therefore the APFO test can be given a three-year approval; no Letter of Understanding is required.
- 3) While a forest easement cannot be placed on the stream buffer area, the stream is being addressed with native tree plantings and a 'no fertilization' designation. FRO forest requirements are being met with preservation of 4.4 acres of existing forest on the 12-acre parcel to the south of the subject parcel.
- 4) The Addition Plat must be recorded to resolve the sewer line easement issue.
- 5) The SWM Development Plan must be signed prior to the Site Plan being signed.
- 6) With regard to parking:
  - a) The parking circulation pattern is remaining essentially the same, with the emergency ingress/egress location remaining the same, with adequate sight distance.
  - b) Handicapped requirements have been met.
  - c) Bicycle parking requirements will have been met with the placement of three bicycle racks at the south end of the western parking area with rack detail.
- 7) All three landscape modification requests, one parking lot connection waiver, and one entrance spacing modification have merit based on limitations caused by existing site conditions and site usage, and the fact that traffic safety is not impaired.
- 8) Based upon the discussion in the report, the Staff finds that the Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

**RECOMMENDATION:**

Should the FcPc choose to approve this Site Plan application (AP # 9469), the FcPc should also cite the following additional approvals:



- Three landscape modifications [§ 1-19-6.400 (A), (B) and (C)];
- Entrance Spacing modification (FcPc Policy adopted 2002);
- Waiver of requirement to connect to adjoining parking lot [§ 1-19-6.220 (F)];
- APFO approval (AP 9470); and
- FRO approval (AP 10829)

The Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) Amend General Note #12 indicating that that the building additions are solely for the purposes of improving emergency equipment storage and vehicle maneuverability.
- 2) Place three bicycle racks at the south end of the western parking area and provide detail.
- 3) Record the Addition Plat prior to signature of Site Plan.
- 4) The SWM Plan must be signed prior to Site Plan signature.
- 5) Add note regarding the extent to which the Applicant can comply with single-stream recycling.
- 6) Comply with Agency comments as this project moves through the development process.

Exhibit #1 A





Exhibit #1 B

